

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ROYLAND RODRIGUEZ,

Plaintiff,

v.

DR. MARSHA JOHNS, et al.,

Defendants.

Case No. 2:20-cv-00468-GMN-DJA

ORDER

I. DISCUSSION

On March 3, 2021, this Court entered a screening order permitting Eighth Amendment claims to proceed against Defendant Dr. Marsha Johns. (ECF No. 4 at 8). The Court stayed the case for 90 days to give Plaintiff and Defendant Dr. Marsha Johns an opportunity to settle their dispute before the filing fee was paid, an answer was filed, or the discovery process began. (*Id.*). The Court directed the Attorney General's Office to notify the Court whether it would enter a limited notice of appearance on behalf of Defendant Dr. Marsha Johns for the purpose of settlement. (*Id.* at 9).

On March 24, 2021, the Attorney General's Office informed the Court that it could not make a limited appearance for the purpose of settlement because it was not authorized to enter such an appearance. (ECF No. 6). The Attorney General's Office explained that it could not appear on behalf of Dr. Marsha Johns because it had attempted to contact her to ascertain whether she consented to representation by the Attorney General but had not received a response. (*Id.*).

1 In light of the Attorney General Office's notice, the Court now orders the Attorney
2 General's Office to file an affidavit with the Court within 30 days explaining what efforts it
3 has taken to contact Dr. Marsha Johns.

4 In addition, if the Attorney General's Office does not receive authorization to
5 represent Dr. Marsha Johns and does not enter a limited notice of appearance, within 30
6 days the Office shall file, under seal, but shall not serve the inmate Plaintiff, the last known
7 address of Defendant Dr. Marsha Johns. If the last known address of the defendant is a
8 post office box, the Attorney General's Office shall attempt to obtain and provide the last
9 known physical address.

10 If the Attorney General's Office does not enter a notice of appearance within 30
11 days, the Court will issue an order that: (1) removes this case from the early inmate
12 mediation program, (2) rules on the application to proceed *in forma pauperis*, and (3)
13 begins the service process with the U.S. Marshal's Office.

14 **II. CONCLUSION**

15 For the foregoing reasons, it is ordered that, within 30 days from the date of this
16 order, the Attorney General's Office shall file an affidavit with the Court explaining what
17 efforts it has taken to contact Dr. Marsha Johns.

18 It is further ordered that, if the Attorney General's Office does not receive
19 authorization to represent Dr. Marsha Johns and does not enter a limited notice of
20 appearance, within 30 days the Office shall file, under seal, but shall not serve the inmate
21 Plaintiff, the last known address of those Defendant Dr. Marsha Johns. If the last known
22 address of the defendant is a post office box, the Attorney General's Office shall attempt
23 to obtain and provide the last known physical address.

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1 It is further ordered that this case otherwise remains stayed until the Court lifts the
2 stay.

3 DATED this 30th day of March 2021.

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UNITED STATES MAGISTRATE JUDGE